

REMARKS

By the above amendment, claims 1 has been amended, claims 2-12 have been cancelled, and claims 14-34 have been added. Applicants note that the claims previously included use recitations. By the present amendments, Applicants have amended claim 1 to affirmatively recite method elements that were previously recited, but not in an affirmative manner. These amendments do not add prohibited new matter and are fully supported by the specification. Support for these amendments may be found throughout the specification and are outlined in detail below. No estoppel should be deemed to be associated with this amendment.

Support for the Amendments

The following citations are in reference to United States Patent Application Publication US 2006/0035944 A1, based on the present application:

*Claim 1*

[Method claim]: Page 3, Paragraph [0024].

[Indication (neural disease)]: Page 81, Paragraph [0275].

[Definition of E]:

(1) a 2,5-di-substituted phenyl group at least one of said substituent is trifluoromethyl group

Pages 2-3, Paragraph [0020].

(2) a 3,5-di-substituted phenyl group at least one of said substituent is trifluoromethyl group

Pages 2-3, Paragraph [0020].

(3) a 2-thiazolyl group which is substituted with one or more substituents .....

Page 2, Paragraph [0010],

→"A monocyclic heteroaryl group which may be substituted" is defined as a group represented by "E."

Page 5, Paragraph [0055].

→The "2-thiazolyl group" is exemplified as an example of the "monocyclic heteroaryl group."

Pages 10-11, Paragraph [0115].

→The following explanations are described for the definition of the substituents of the functional group.

"In the present specification, when a certain functional group is defined as "which may be substituted," the definition means that the functional group may sometimes have one or more substituents at chemically substitutable positions, unless otherwise specifically mentioned. Kind of substituents, number of substituents, and the position of substituents existing in the functional groups are not particularly limited, and when two or more substituents exist, they may be the same or different."

[Definition of the substituents existing in the aforementioned "2-thiazolyl group"]:

Pages 10-11, Paragraph [0115].

→The following explanations are described for the definition of the substituents existing in the functional group.

”Examples of the substituent existing in the functional group include, for example, halogen atoms, oxo group, thioxo group, nitro group, nitroso group, cyano group, isocyano group, cyanato group, thiocyanato group, isocyanato group, isothiocyanato group, hydroxy group, sulfanyl group, carboxy group, sulfanylcabonyl group, oxalo group, methooxalo group, thiocarboxy group, dithiocarboxy group, carbamoyl group, thiocarbamoyl group, sulfo group, sulfamoyl group, sulfinio group, sulfinamoyl group, sulfeno group, sulfenamoyl group, phosphono group, hydroxyphosphonyl group, hydrocarbon group, heterocyclic group, hydrocarbon-oxy group, heterocyclic ring-oxy group, hydrocarbon-sulfanyl group, heterocyclic ring-sulfanyl group, acyl group, amino group, hydrazino group, hydrazono group, diazenyl group, ureido group, thioureido group, guanidino group, carbamoimidoyl group (amidino group), azido group, imino group, hydroxyamino group, hydroxyimino group, aminooxy group, diazo group, semicarbazino group, semicarbazono group, allophanlyl group, hydantoyl group, phosphano group, phosphoroso group, phospho group, boryl group, silyl group, stannyl group, selanyl group, oxido group and the like.”

(4) a halogen atom

Pages 10-11, Paragraph [0115].

→The “halogen atom” is exemplified as an example of the substituent existing in the functional group.

(5) an alkyl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

(6) a carboxy group (existing in the aforementioned "alkyl group")

Pages 10-11, Paragraph [0115].

→The "carboxy group" is exemplified as an example of the substituent existing in the functional group.

(7) an alkoxy-carbonyl group (existing in the aforementioned "alkyl group")

Pages 10-11, Paragraph [0115].

→The "acyl group" is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -2A) is exemplified as an example of the "acyl group."

Page 9, Paragraph [0092].

→The "hydrocarbon-oxy-carbonyl group" is exemplified as an example of the group represented by the formula ( $\omega$ -2A).

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the  
"hydrocarbon-oxy group."

(8) a halogenated alkyl group

Page 11, Paragraph [0117].

→The following explanations are described for the definition of  
the substituents existing in the functional group.

"The above substituents according to the aforementioned definition of  
"which may be substituted" may further be substituted with the  
aforementioned substituents at the chemically substitutable positions on  
the substituent. Kind of substituents, number of substituents, and  
positions of substituents are not particularly limited, and when the  
substituents are substituted with two or more substituents, they may be the  
same or different."

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the  
substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example  
of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic  
hydrocarbon group."

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(9) a cyano group

Pages 10-11, Paragraph [0115].

→The "cyano group" is exemplified as an example of the substituent existing in the functional group.

(10) an aryl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aryl group" is exemplified as an example of the "hydrocarbon group."

(11) a halogen atom (existing in the aforementioned "aryl group")

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(12) a halogenated alkyl group (existing in the aforementioned "aryl group")

According to the aforementioned (8), the "halogenated alkyl group" is thought to be an example of the substituent existing in the functional group.

(13) an alkoxy group (existing in the aforementioned "aryl group")

Pages 10-11, Paragraph [0115].

→The "hydrocarbon-oxy group" is exemplified as an example of the substituent existing in the functional group.

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the "hydrocarbon-oxy group."

(14) an alkyl-carbonyl group

Pages 10-11, Paragraph [0115].

→The "acyl group" is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -1A) is exemplified as an example of the "acyl group."

Page 9, Paragraph [0091].

→The "hydrocarbon-carbonyl group" is exemplified as an example of the group represented by the formula ( $\omega$ -1A).

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

(15) an alkoxy-carbonyl group

According to the aforementioned (7), the "alkoxy-carbonyl group" is thought to be an example of the substituent existing in the functional group.

- (16) a monocyclic non-aromatic heterocyclic group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "heterocyclic group" is exemplified as an example of the substituent existing in the functional group.

Pages 4-5, Paragraph [0054].

→The "monocyclic non-aromatic heterocyclic group" is exemplified as an example of the "heterocyclic group."

- (17) an alkyl group (existing in the aforementioned "monocyclic non-aromatic heterocyclic group")

According to the aforementioned (5), the "alkyl group" is thought to be an example of the substituent existing in the functional group.

- (18) an aryl group (existing in the aforementioned "monocyclic non-aromatic heterocyclic group")

According to the aforementioned (10), the "aryl group" is thought to be an example of the substituent existing in the functional group.

- (19) an aralkyl group

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "alkyl group" is exemplified as an example of the  
"hydrocarbon group."

(20) an aryl-carbonyl group

Pages 10-11, Paragraph [0115].

→The "acyl group" is exemplified as an example of the substituent  
existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -1A) is exemplified as  
an example of the "acyl group."

Page 9, Paragraph [0091].

→The "hydrocarbon-carbonyl group" is exemplified as an example  
of the group represented by the formula ( $\omega$ -1A).

Page 3, Paragraph [0029].

→The "aryl group" is exemplified as an example of the  
"hydrocarbon group."

(21) a carbamoyl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "carbamoyl group" is exemplified as an example of the  
substituent existing in the functional group.

(22) an alkyl group (existing in the aforementioned "carbamoyl group")

According to the aforementioned (5), the "alkyl group" is thought to be an  
example of the substituent existing in the functional group.

(23) an aralkyl group (existing in the aforementioned "carbamoyl group")

According to the aforementioned (19), the "aralkyl group" is thought to be an example of the substituent existing in the functional group.

(24) a carboxy group

Pages 10-11, Paragraph [0115].

→The "carboxy group" is exemplified as an example of the substituent existing in the functional group.

[Definition of Z]:

Pages 2, Paragraph [0017].

→"A benzene ring which may have one or more substituents" is defined as a group represented by "Z."

Pages 10-11, Paragraph [0115].

→The following explanations are described for the definition of the substituents of the functional group.

"In the present specification, when a certain functional group is defined as "which may be substituted," the definition means that the functional group may sometimes have one or more substituents at chemically substitutable positions, unless otherwise specifically mentioned. Kind of substituents, number of substituents, and the position of substituents existing in the functional groups are not particularly limited, and when two or more substituents exist, they may be the same or different."

[Definition of the substituents existing in the aforementioned "benzene ring"]:

Pages 10-11, Paragraph [0115].

→The following explanations are described for the definition of the substituents existing in the functional group.

"Examples of the substituent existing in the functional group include, for example, halogen atoms, oxo group, thioxo group, nitro group, nitroso group, cyano group, isocyano group, cyanato group, thiocyanato group, isocyanato group, isothiocyanato group, hydroxy group, sulfanyl group, carboxy group, sulfanylcabonyl group, oxalo group, methooxalo group, thiocarboxy group, dithiocarboxy group, carbamoyl group, thiocarbamoyl group, sulfo group, sulfamoyl group, sulfino group, sulfinamoyl group, sulfeno group, sulfenamoyl group, phosphono group, hydroxyphosphonyl group, hydrocarbon group, heterocyclic group, hydrocarbon-oxy group, heterocyclic ring-oxy group, hydrocarbon-sulfanyl group, heterocyclic ring-sulfanyl group, acyl group, amino group, hydrazino group, hydrazono group, diazenyl group, ureido group, thioureido group, guanidino group, carbamoimidoyl group (amidino group), azido group, imino group, hydroxyamino group, hydroxyimino group, aminooxy group, diazo group, semicarbazino group, semicarbazono group, allophanlyl group, hydantoyl group, phosphano group, phosphoroso group, phospho group, boryl group, silyl group, stannyl group, selanyl group, oxido group and the like."

(25) a halogen atom

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(26) a nitro group

Pages 10-11, Paragraph [0115].

→The "nitro group" is exemplified as an example of the substituent existing in the functional group.

(27) a cyano group

Pages 10-11, Paragraph [0115].

→The "cyano group" is exemplified as an example of the substituent existing in the functional group.

(28) a hydroxy group

Pages 10-11, Paragraph [0115].

→The "hydroxy group" is exemplified as an example of the substituent existing in the functional group.

(29) an alkoxy group

Pages 10-11, Paragraph [0115].

→The "hydrocarbon-oxy group" is exemplified as an example of the substituent existing in the functional group.

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the "hydrocarbon-oxy group."

(30) an alkyl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

(31) a hydroxy group (existing in the aforementioned "alkyl group")

Pages 10-11, Paragraph [0115].

→The "hydroxy group" is exemplified as an example of the substituent existing in the functional group.

(32) an aralkyl-oxy-imino group (existing in the aforementioned "alkyl group")

Page 11, Paragraph [0117].

→The following explanations are described for the definition of the substituents existing in the functional group.

"The above substituents according to the aforementioned definition of "which may be substituted" may further be substituted with the aforementioned substituents at the chemically substitutable positions on the substituent. Kind of substituents, number of substituents, and positions of substituents are not particularly limited, and when the

substituents are substituted with two or more substituents, they may be the same or different.”

Pages 10-11, Paragraph [0115].

→The “imino group” is exemplified as an example of the substituent existing in the functional group.

Pages 10-11, Paragraph [0115].

→The “hydrocarbon-oxy group” is exemplified as an example of the substituent existing in the functional group.

Page 6, Paragraph [0061].

→The “alkyl-oxy group” is exemplified as an example of the “hydrocarbon-oxy group.”

(33) an alkoxy-imino group (existing in the aforementioned “alkyl group”)

Page 11, Paragraph [0117].

→The following explanations are described for the definition of the substituents existing in the functional group.

”The above substituents according to the aforementioned definition of “which may be substituted” may further be substituted with the aforementioned substituents at the chemically substitutable positions on the substituent. Kind of substituents, number of substituents, and positions of substituents are not particularly limited, and when the substituents are substituted with two or more substituents, they may be the same or different.”

Pages 10-11, Paragraph [0115].

→The "imino group" is exemplified as an example of the substituent existing in the functional group.

Pages 10-11, Paragraph [0115].

→The "hydrocarbon-oxy group" is exemplified as an example of the substituent existing in the functional group.

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the "hydrocarbon-oxy group."

(34) an alkenyl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkenyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

(35) an aryl group (existing in the aforementioned "alkenyl group")

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aryl group" is exemplified as an example of the  
"hydrocarbon group."

(36) a cyano group (existing in the aforementioned "alkenyl group")

Pages 10-11, Paragraph [0115].

→The "cyano group" is exemplified as an example of the  
substituent existing in the functional group.

(37) an alkoxy-carbonyl group (existing in the aforementioned "alkenyl group")

Pages 10-11, Paragraph [0115].

→The "acyl group" is exemplified as an example of the substituent  
existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -2A) is exemplified as  
an example of the "acyl group."

Page 9, Paragraph [0092].

→The "hydrocarbon-oxy-carbonyl group" is exemplified as an  
example of the group represented by the formula ( $\omega$ -2A).

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the  
"hydrocarbon-oxy group."

(38) a carboxy group (existing in the aforementioned "alkenyl group")

Pages 10-11, Paragraph [0115].

→The "carboxy group" is exemplified as an example of the  
substituent existing in the functional group.

(39) an alkynyl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkynyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

(40) an aryl group (existing in the aforementioned "alkynyl group")

According to the aforementioned (35), the "aryl group" is thought to be an example of the substituent existing in the functional group.

(41) a tri(alkyl)silyl group (existing in the aforementioned "alkynyl group")

Page 11, Paragraph [0117].

→The following explanations are described for the definition of the substituents existing in the functional group.

"The above substituents according to the aforementioned definition of "which may be substituted" may further be substituted with the aforementioned substituents at the chemically substitutable positions on the substituent. Kind of substituents, number of substituents, and positions of substituents are not particularly limited, and when the

substituents are substituted with two or more substituents, they may be the same or different.”

Pages 10-11, Paragraph [0115].

→The “silyl group” is exemplified as an example of the substituent existing in the functional group.

Pages 10-11, Paragraph [0115].

→The “hydrocarbon group” is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The “aliphatic hydrocarbon group” is exemplified as an example of the “hydrocarbon group.”

Page 3, Paragraph [0030].

→The “alkyl group” is exemplified as an example of the “aliphatic hydrocarbon group.”

(42) a halogenated alkyl group

Page 11, Paragraph [0117].

→The following explanations are described for the definition of the substituents existing in the functional group.

”The above substituents according to the aforementioned definition of “which may be substituted” may further be substituted with the aforementioned substituents at the chemically substitutable positions on the substituent. Kind of substituents, number of substituents, and positions of substituents are not particularly limited, and when the

substituents are substituted with two or more substituents, they may be the same or different.”

Pages 10-11, Paragraph [0115].

→The “hydrocarbon group” is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The “aliphatic hydrocarbon group” is exemplified as an example of the “hydrocarbon group.”

Page 3, Paragraph [0030].

→The “alkyl group” is exemplified as an example of the “aliphatic hydrocarbon group.”

Pages 10-11, Paragraph [0115].

→The “halogen atom” is exemplified as an example of the substituent existing in the functional group.

(43) an aryl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The “hydrocarbon group” is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The “aryl group” is exemplified as an example of the “hydrocarbon group.”

(44) a halogen atom (existing in the aforementioned “aryl group”)

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(45) a halogenated alkyl group (existing in the aforementioned "aryl group")

According to the aforementioned (42), the "halogenated alkyl group" is thought to be an example of the substituent existing in the functional group.

(46) an aralkyl group

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aralkyl group" is exemplified as an example of the "hydrocarbon group."

(47) a monocyclic or a fused polycyclic heteroaryl group which may be substituted with one or more alkyl groups

Pages 10-11, Paragraph [0115].

→The "heterocyclic group" is exemplified as an example of the substituent existing in the functional group.

Pages 4-5, Paragraph [0054].

→The "a monocyclic or a fused polycyclic heteroaryl group" is exemplified as an example of the "heterocyclic group."

(48) an alkyl group (existing in the aforementioned "monocyclic or fused polycyclic heteroaryl group")

According to the aforementioned (30), the "alkyl group" is thought to be an example of the substituent existing in the functional group.

(49) an alkyl-carbonyl group

Pages 10-11, Paragraph [0115].

→The "acyl group" is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -1A) is exemplified as an example of the "acyl group."

Page 9, Paragraph [0091].

→The "hydrocarbon-carbonyl group" is exemplified as an example of the group represented by the formula ( $\omega$ -1A).

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

(50) a monocyclic non-aromatic heterocyclic-carbonyl group which may be substituted with one or more aralkyl groups

Pages 10-11, Paragraph [0115].

→The "acyl group" is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -1A) is exemplified as an example of the “acyl group.”

Page 9, Paragraph [0091].

→The “heterocyclic ring-carbonyl group” is exemplified as an example of the group represented by the formula ( $\omega$ -1A).

Pages 10-11, Paragraph [0115].

→The “heterocyclic group” is exemplified as an example of the substituent existing in the functional group.

Pages 4-5, Paragraph [0054].

→The “monocyclic non-aromatic heterocyclic group” is exemplified as an example of the “heterocyclic group.”

(51) an aralkyl group (existing in the aforementioned “monocyclic non-aromatic heterocyclic-carbonyl group”)

According to the aforementioned (46), the “aralkyl group” is thought to be an example of the substituent existing in the functional group.

(52) a monocyclic heteroaryl-sulfonyl group

Pages 10-11, Paragraph [0115].

→The “acyl group” is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -20A) is exemplified as an example of the “acyl group.”

Page 10, Paragraph [0110].

→The "heterocyclic ring-sulfonyl group" is exemplified as an example of the group represented by the formula ( $\omega$ -20A).

Pages 10-11, Paragraph [0115].

→The "heterocyclic group" is exemplified as an example of the substituent existing in the functional group.

Pages 4-5, Paragraph [0054].

→The "monocyclic heteroaryl group" is exemplified as an example of the "heterocyclic group."

(53) a carboxy group

Pages 10-11, Paragraph [0115].

→The "carboxy group" is exemplified as an example of the substituent existing in the functional group.

(54) an alkoxy-carbonyl group

According to the aforementioned (37), the "alkoxy-carbonyl" is thought to be an example of the substituent existing in the functional group.

(55) a carbamoyl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "carbamoyl group" is exemplified as an example of the substituent existing in the functional group.

(56) an aryl group (existing in the aforementioned "carbamoyl group")

According to the aforementioned (35), the "aryl group" is thought to be an example of the substituent existing in the functional group.

(57) an alkyl group (existing in the aforementioned "carbamoyl group")

According to the aforementioned (30), the "alkyl group" is thought to be an example of the substituent existing in the functional group.

(58) a sulfamoyl group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "carbamoyl group" is exemplified as an example of the substituent existing in the functional group.

(59) an aryl group (existing in the aforementioned "sulfamoyl group")

According to the aforementioned (35), the "aryl group" is thought to be an example of the substituent existing in the functional group.

(60) an alkyl group (existing in the aforementioned "sulfamoyl group")

According to the aforementioned (30), the "alkyl group" is thought to be an example of the substituent existing in the functional group.

(61) an amino group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "amino group" is exemplified as an example of the substituent existing in the functional group.

(62) an alkyl group (existing in the aforementioned "amino group")

According to the aforementioned (30), the "alkyl group" is thought to be an example of the substituent existing in the functional group.

(63) an alkyl-carbonyl group (existing in the aforementioned "amino group")

According to the aforementioned (49), the "alkyl-carbonyl group" is thought to be an example of the substituent existing in the functional group.

(64) an aryl-carbonyl group (existing in the aforementioned “amino group”)

Pages 10-11, Paragraph [0115].

→The “acyl group” is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -1A) is exemplified as an example of the “acyl group.”

Page 9, Paragraph [0091].

→The “hydrocarbon-carbonyl group” is exemplified as an example of the group represented by the formula ( $\omega$ -1A).

Page 3, Paragraph [0029].

→The “aryl group” is exemplified as an example of the “hydrocarbon group.”

(65) an alkyl-sulfonyl group (existing in the aforementioned “amino group”)

Pages 10-11, Paragraph [0115].

→The “acyl group” is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -20A) is exemplified as an example of the “acyl group.”

Page 10, Paragraph [0110].

→The “hydrocarbon-sulfonyl group” is exemplified as an example of the group represented by the formula ( $\omega$ -20A).

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

(66) an aryl-sulfonyl group (existing in the aforementioned "amino group")

Pages 10-11, Paragraph [0115].

→The "acyl group" is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula ( $\omega$ -20A) is exemplified as an example of the "acyl group."

Page 10, Paragraph [0110].

→The "hydrocarbon-sulfonyl group" is exemplified as an example of the group represented by the formula ( $\omega$ -20A).

Page 3, Paragraph [0029].

→The "aryl group" is exemplified as an example of the "hydrocarbon group."

(67) an ureido group which may be substituted with one or more aryl groups

Pages 10-11, Paragraph [0115].

→The "ureido group" is exemplified as an example of the substituent existing in the functional group.

(68) an aryl group (existing in the aforementioned "ureido group")

According to the aforementioned (35), the "aryl group" is thought to be an example of the substituent existing in the functional group.

(69) a thioureido group which may be substituted with one or more aryl groups

Pages 10-11, Paragraph [0115].

→The "thioureido group" is exemplified as an example of the substituent existing in the functional group.

(70) an aryl group (existing in the aforementioned "thioureido group")

According to the aforementioned (35), the "aryl group" is thought to be an example of the substituent existing in the functional group.

(71) a diazenyl group which may be substituted with one or more aryl groups

Pages 10-11, Paragraph [0115].

→The "diazenyl group" is exemplified as an example of the substituent existing in the functional group.

(72) an aryl group (existing in the aforementioned "diazenyl group")

According to the aforementioned (35), the "aryl group" is thought to be an example of the substituent existing in the functional group.

(73) a nitro group (existing in the aforementioned "aryl group")

Pages 10-11, Paragraph [0115].

→The "nitro group" is exemplified as an example of the substituent existing in the functional group.

(74) a monocyclic heteroaryl-sulfamoyl group (existing in the aforementioned "aryl group")

Page 11, Paragraph [0117].

→The following explanations are described for the definition of the substituents existing in the functional group.

”The above substituents according to the aforementioned definition of “which may be substituted” may further be substituted with the aforementioned substituents at the chemically substitutable positions on the substituent. Kind of substituents, number of substituents, and positions of substituents are not particularly limited, and when the substituents are substituted with two or more substituents, they may be the same or different.”

Pages 10-11, Paragraph [0115].

→The “sulfamoyl group” is exemplified as an example of the substituent existing in the functional group.

Pages 10-11, Paragraph [0115].

→The “heterocyclic group” is exemplified as an example of the substituent existing in the functional group.

Pages 4-5, Paragraph [0054].

→The “monocyclic heteroaryl group” is exemplified as an example of the “heterocyclic group.”

### *Claim 18*

[Definition of the “other substituent” existing in the “2,5-di-substituted phenyl group”]:

(1) a halogen atom

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(2) a halogenated alkyl group

Page 11, Paragraph [0117].

→The following explanations are described for the definition of the substituents existing in the functional group.

”The above substituents according to the aforementioned definition of "which may be substituted" may further be substituted with the aforementioned substituents at the chemically substitutable positions on the substituent. Kind of substituents, number of substituents, and positions of substituents are not particularly limited, and when the substituents are substituted with two or more substituents, they may be the same or different.”

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group.”

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic hydrocarbon group.”

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(3) a nitro group

Pages 10-11, Paragraph [0115].

→The "nitro group" is exemplified as an example of the substituent existing in the functional group.

(4) an alkyl group

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

(5) an alkoxy group

Pages 10-11, Paragraph [0115].

→The "hydrocarbon-oxy group" is exemplified as an example of the substituent existing in the functional group.

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the  
"hydrocarbon-oxy group."

(6) an alkyl-sulfanyl group

Pages 10-11, Paragraph [0115].

→The "hydrocarbon-sulfanyl group" is exemplified as an example  
of the substituent existing in the functional group.

Page 7, Paragraph [0076].

→The "alkyl-sulfanyl group" is exemplified as an example of the  
"hydrocarbon-sulfanyl group."

(7) a monocyclic non-aromatic heterocyclic group which may be substituted with one or more halogenated alkyl groups

Pages 10-11, Paragraph [0115].

→The "heterocyclic group" is exemplified as an example of the  
substituent existing in the functional group.

Pages 4-5, Paragraph [0054].

→The "monocyclic non-aromatic heterocyclic group" is  
exemplified as an example of the "heterocyclic group."

(8) a halogenated alkyl group (existing in the aforementioned "monocyclic non-aromatic heterocyclic group")

According to the aforementioned (2), the "halogenated alkyl group" is  
thought to be an example of the substituent existing in the functional group.

(9) an aryl-oxy group which may be substituted with one or more substituents .....

Pages 10-11, Paragraph [0115].

→The "hydrocarbon-oxy group" is exemplified as an example of the substituent existing in the functional group.

Page 6, Paragraph [0061].

→The "aryl-oxy group" is exemplified as an example of the "hydrocarbon-oxy group."

(10) a halogen atom (existing in the aforementioned "aryl-oxy group")

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(11) an alkoxy group (existing in the aforementioned "aryl-oxy group")

According to the aforementioned (5), the "alkoxy group" is thought to be an example of the substituent existing in the functional group.

(12) an alkyl group (existing in the aforementioned "aryl-oxy group")

According to the aforementioned (4), the "alkyl group" is thought to be an example of the substituent existing in the functional group.

(13) a cyano group (existing in the aforementioned "aryl-oxy group")

Pages 10-11, Paragraph [0115].

→The "cyano group" is exemplified as an example of the substituent existing in the functional group.

(14) a halogenated alkoxy group

Page 11, Paragraph [0117].

→The following explanations are described for the definition of the substituents existing in the functional group.

”The above substituents according to the aforementioned definition of "which may be substituted" may further be substituted with the aforementioned substituents at the chemically substitutable positions on the substituent. Kind of substituents, number of substituents, and positions of substituents are not particularly limited, and when the substituents are substituted with two or more substituents, they may be the same or different.”

Pages 10-11, Paragraph [0115].

→The "hydrocarbon-oxy group" is exemplified as an example of the substituent existing in the functional group.

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the "hydrocarbon-oxy group.”

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

#### *Claim 19*

[Definition of E]:

Pages 23-24, Paragraph [0244].

→All the groups described in claim 19 are supported by the description in the tables described on pages 26-80.

[Definition of Z]:

Page 22, Paragraphs [0237].

→All the groups described in claim 19 are supported by the description in the tables described on pages 26-80.

*Claim 22*

[Definition of R<sup>2</sup>]:

Page 3, Paragraph [0028].

→The "bromine atom" is exemplified as an example of the "halogen atom."

*Claim 25*

[Definition of the "other substituent" existing in the "3,5-di-substituted phenyl group"]:

(1) a halogenated alkyl group

Page 11, Paragraph [0117].

→The following explanations are described for the definition of the substituents existing in the functional group.

"The above substituents according to the aforementioned definition of "which may be substituted" may further be substituted with the aforementioned substituents at the chemically substitutable positions on the substituent. Kind of substituents, number of substituents, and positions of substituents are not particularly limited, and when the substituents are substituted with two or more substituents, they may be the same or different."

Pages 10-11, Paragraph [0115].

→The "hydrocarbon group" is exemplified as an example of the substituent existing in the functional group.

Page 3, Paragraph [0029].

→The "aliphatic hydrocarbon group" is exemplified as an example of the "hydrocarbon group."

Page 3, Paragraph [0030].

→The "alkyl group" is exemplified as an example of the "aliphatic hydrocarbon group."

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(2) a halogen atom

Pages 10-11, Paragraph [0115].

→The "halogen atom" is exemplified as an example of the substituent existing in the functional group.

(3) an alkoxy group

Pages 10-11, Paragraph [0115].

→The "hydrocarbon-oxy group" is exemplified as an example of the substituent existing in the functional group.

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the "hydrocarbon-oxy group."

(4) an alkoxy-carbonyl group

Pages 10-11, Paragraph [0115].

→The "acyl group" is exemplified as an example of the substituent existing in the functional group.

Pages 8-9, Paragraph [0090].

→The group represented by the formula (ω-2A) is exemplified as an example of the "acyl group."

Page 9, Paragraph [0092].

→The "hydrocarbon-oxy-carbonyl group" is exemplified as an example of the group represented by the formula (ω-2A).

Page 6, Paragraph [0061].

→The "alkoxy group" is exemplified as an example of the "hydrocarbon-oxy group."

(5) a carboxy group

Pages 10-11, Paragraph [0115].

→The "carboxy group" is exemplified as an example of the substituent existing in the functional group.

*Claim 26*

[Definition of E]:

Page 24, Paragraphs [0247].

→All the groups described in claim 26 are supported by the description in the tables described on pages 26-80.

[Definition of Z]:

Page 22, Paragraphs [0237].

→All the groups described in claim 26 are supported by the description in the tables described on pages 26-80.

*Claim 29*

[Definition of R<sup>2</sup>]:

Page 3, Paragraph [0028].

→The "chlorine atom" is exemplified as an example of the "halogen atom."

*Claim 32*

[Definition of E]:

Pages 24-25, Paragraphs [0256]-[0257].

→All the groups described in claim 32 are supported by the description in the tables described on pages 26-80.

[Definition of Z]:

Page 22, Paragraphs [0237].

→All the groups described in claim 32 are supported by the description in the tables described on pages 26-80.

**Restriction Requirement**

The Restriction Requirement asserts that there is more than one invention or groups of inventions which allegedly do not form a single general inventive concept under PCT rule 13.1. The Action alleges the following two groups:

- I      Claims 1 and 3-12, allegedly drawn to a medicament for preventive and/or therapeutic treatment of Alzheimer's disease which comprises as an active ingredient a substance selected from the group consisting of a compound represented by the following general formula (I) and a pharmacologically acceptable salt thereof, and a hydrate thereof and a solvate thereof; and
- II     Claim 2, allegedly drawn to a medicament for preventive and/or therapeutic treatment of epilepsy which comprises as an active ingredient a substance selected from the group consisting of a compound represented by the general formula (I) according to claim 1 and a pharmacologically acceptable salt thereof, and a hydrate thereof and a solvate thereof.

Furthermore, the Action asserts that the application contains claims directed to more than one species of generic inventions. The Examiner further asserts that these species lack unity of invention because "they are not so linked as to form a single general inventive concept under PCT Rule 13.1." Accordingly, the Examiner requires that Applicants elect a single disclosed species.

**Election**

Applicants elect Group I and Compound No. 4 (as shown in the table on page 64 of the present specification), with traverse. At least claims 1, 13-16, and 24-30 are readable on the elected species.

Traverse

Notwithstanding the election of Group I and Compound 4 in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

Applicants' traversal is based upon the fact that the Restriction Requirement fails to satisfy the requirements for supporting a restriction requirement under the PCT Rules. PCT Rules 13.1 and 13.2 state that an international application must relate to one invention only or, if there is more than one invention, those inventions must be so linked as to form a single general inventive concept (Rule 13.1). Inventions are considered linked so as to form a single general inventive concept only when there is a technical relationship involving one or more of the same or corresponding "special technical features." The expression "special technical features" means those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art (Rule 13.2).

In the Restriction Requirement, the Office considers the disclosed species as lacking unity of invention. However, Applicants note that the Examiner has not discussed the disclosed species in view of the prior art. Still further, the Examiner proceeds to divide the alleged species based upon their differences in their structures. This is not an acceptable criterion for Restriction for an application filed under 35 U.S.C. § 371.

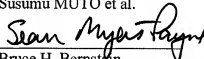
For all of the foregoing reasons, Applicants submit that the Examiner's election of species requirement is improper, and should be withdrawn.

CONCLUSION

For the reasons discussed above, it is respectfully submitted that the requirement for election of species is improper, and the requirement should be withdrawn. Withdrawal of the requirement for the election of species with examination of all pending claims is respectfully requested. Favorable consideration with early allowance of all of the pending claims is most earnestly requested.

If there are any comments or questions, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,  
Susumu MUTO et al.

  
Bruce H. Bernstein  
Reg. No. 29,027 42,920

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191